IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929

WP(C).No. 21055 of 2007(F)

PETITIONER:

MATHEW T.NINAN, S/O.T.C.NINAN,
AGED 46 YEARS, THERADUPUZHA HOUSE,
KUNNATHURMEDU, PALAKKAD-13.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS:

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1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES, PALAKKAD.

2. THE MANNARKAD CO-OPERATIVE AGRICULTURE AND RURAL DEVELOPMENT BANK, LTD.NO.P 934, MANNARKAD P.O., MANNARKAD DISTRICT, REPRESENTED BY ITS SECRETARY.

R1 BY GOVT. PLEADER SRI. P.K. RAVIKRISHNAN.
R2 & R3 BY ADV. SRI.P.K.VIJAYAMOHANAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 21055/2007.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE COPY OF THE CIRCULAR NO.G. 21070/91 DATED 18/3/2001 OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES.

EXT. P2 : TRUE COPY OF THE CIRCULAR DTD. 28/11/1006 OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES.

EXT. P3 : TRUE COPY OF THE NOTICE DTD. 28.5.2007.

K.M.JOSEPH, J.

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WP.(C) No.21055 of 2007

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Dated this the 28th day of September, 2007

JUDGMENT

Case of the petitioner in brief is as follows:

Petitioner, who is a farmer, availed loan for agricultural purpose after mortgaging the title deeds. Petitioner has produced Ext.P2 Circular. He challenges Ext.P3 proceedings for sale of the property. This court by interim order directed payment of Rs.1,50,000/- as a condition. Petitioner admittedly has not complied with the said order. Petitioner has no case in the writ petition that the petitioner has approached the Bank seeking the benefit of Ext.P2 Circular.

2. Heard learned counsel for the respondent Bank also. Learned counsel for the petitioner submits that the petitioner will submit an application within ten days from today seeking the benefit of the Circular.

In such circumstances, the writ petition is disposed of as follows:

If the petitioner remits an amount of Rs.50,000/- remaining to be paid as per the interim order and also makes an application seeking the

benefit of Ext.P2 Circular within a period of ten days from today, the respondent Bank will consider the same and take a decision in accordance with law and communicate it to the petitioner within a period of two weeks from the date of filing of the petition. If the petitioner remits Rs.50,000/- and also submits an application within ten days from today, the proceedings will be kept in abeyance till a decision is taken and communicated to the petitioner.

(K.M. JOSEPH, JUDGE)

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